



ZONING ADMINISTRATOR NOTICE OF DECISION

Date: October 9, 2015
Applicant: Bread of Life Church
Case No.: CUP-15-0012
Address: 861 Harold Place, Suite 201-202
Project Planner: Stan Donn

Notice is hereby given that on October 9, 2015 the Zoning Administrator considered Conditional Use Permit (CUP) application CUP-15-0012, filed by Bread of Life Church ("Applicant"). The Applicant requests to locate the church within a business complex ("Project"). The Project Site is located at 861 Harold Place, Suite 201-202 ("Project Site") owned by HTRCE Limited Partners ("Property Owner"). The Project Site is zoned Business Center 1 (BC1) with a Limited Industrial (IL) General Plan designation. The Project is more specifically described as follows:

The Project is a request from the Bread of Life Church to locate within Suite 201-202 in an existing multi-tenant business complex. The Church would hold worship services in Suite 201-202 with a floor area of 5,596 square feet. The Church will hold worship services, Bible study classes, prayer meetings and ministry related activities on Monday (5:00-6:30 am), Thursday (7:00-9:30 pm), Friday (5:00-7:30 pm), Saturday (8:00 am-12:00 pm), and on Sundays (10:00 am to 4:30 pm) for a congregation of 100 people. The Project has a sanctuary 100 seating capacity that requires 29 parking spaces per CVMC Section 19.62.050(9). There is sufficient parking available at the business complex to accommodate parking for the congregation attending weekly bible study classes and Sunday worship services. This Conditional Use Permit will be valid for three (3) years.

The Project has been reviewed for compliance with the California Environmental Quality Act (CEQA), and it has been determined that the Project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (existing facilities) in accordance with the State CEQA Guidelines. No further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030 and Section IV.1.G.5 (Public and Semi-Public Uses) of the Eastlake I SPA, has conditionally approved said request based upon the following findings of facts as required by CVMC Section 19.14.080:

Findings of Fact are as follows:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The Bread of Life Church will provide a convenient place of choice for worship, for citizens residing in Chula Vista particularly living in the Eastlake community. The Church will occupy floor space in an existing business complex where other uses operate, but worship services and Bible classes will be offered at limited times on Monday, Thursday and Sundays only. Church services and activities will be conducted at a convenient and accessible location that contains the amenities necessary to support the use.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The Church is located in an existing multi-tenant building within a business park, and has a congregation of approximately 100 people. The business complex will have sufficient on-site parking available for the Church's use. Weeknight Bible study and Sunday worship services will have minimal or no conflict with other businesses that may be operating within the complex on the weekdays or Sunday, and the Church's use is granted for a period of three years. Adequate parking is available to serve the other tenants and the Church as other businesses are operating at different times or closed during Church hours. For these reasons, the proposed use will not adversely impact the operation of adjacent businesses and will not be detrimental to the health, safety, and welfare of the persons, property and improvements in the vicinity.

- 3. That the use will comply with the regulations and conditions specified in the code for such use.**

Per CVMC Section 19.62.050(9), churches require one space per 3.5 seats in the auditorium. The Church requires 29 parking spaces for up to 100 seats. The business park property has a total of 141 on-site parking spaces available for all tenants. The remaining number of spaces within the business park is sufficient for the other tenants who may conduct activities on weekdays and Sunday. The approval of this conditional use permit is contingent on the Applicant's and Property Owner's commitment to satisfy all conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code. The Applicant has committed to implement and satisfy all conditions of approval for the proposed use, and will comply with all applicable City zoning regulations.

- 4. That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The church is a temporary use that provides a place of worship to community. The General Plan and EastLake I SPA Plan BC-1 district recognize churches as a public-quasi use. The Zoning Ordinance identifies a church as an "Unclassified Use", which is allowed in any zone with a conditional use permit. The temporary conditional use permit for the Church, will not affect the goals and objectives of the General Plan and EastLake SPA I Plan.

Approval of CUP-15-0012 is conditioned upon the following conditions in Sections I, II and III:

I. The following conditions of approval shall be satisfied prior to issuance of the building permit for the project:

- A. The Property Owner and the Applicant shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and Applicant have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 days shall indicate the Property Owner/Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Representative

Date

Signature of Authorized Property Owner

Date

Building Division Condition:

1. This project shall comply with 2013 California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Electrical Code (CEC), California Fire Code (CFC), the 2008 California Energy Code, and the 2013 California Green Building Standards, as adopted and amended by the State of California and the City of Chula Vista.

II. The following conditions shall be satisfied prior to occupancy:

Fire Conditions:

2. The applicant shall apply for required building permits. Permits shall comply with applicable codes and requirements, including but not limited to: the current California edition of Building Code (CBC), Fire Code (CFC), Mechanical Code, as adopted and amended by the State of California and the City of Chula Vista.

III. The following on-going conditions shall apply to the subject property as long as it relies upon this approval.

3. The Applicant shall maintain the Project in accordance with the approved plans for CUP-15-0012 date stamped on October 9, 2015, which includes a site plan and elevations on file in the Planning Division, the conditions contained herein, Title 19, and the EastLake SPA I Plan.
4. Worship services, Bible study classes, prayer meetings and church ministry related activities shall be held on Monday (5:00-6:30 am), Thursday (7:00-9:30 pm), Friday (5:00-7:30 pm), Saturday (8:00 am- 12:00 pm), and on Sundays (10:00 am to 4:30 pm) for a congregation of 100 people only.
5. Approval of this Conditional Use Permit shall not waive compliance with all sections of Title 19 (Zoning) of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance.
6. This Conditional Use Permit authorizes only the use specified in the application for CUP-15-0012, which shall expire in three (3) years on October 9, 2018 unless a request for extension is made to the Zoning Administrator 30 days prior to the expiration date. Any new use or modification/expansion of uses authorized under CUP-15-0012 shall be subject to the review and approval of the Zoning Administrator.
7. The Applicant/Operator shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. Applicant/Operator shall acknowledge their agreement to this provision by executing a copy of this conditional use permit where indicated, above. Applicant's/Operator's compliance with this provision is an express condition of this conditional use permit and this provision shall be binding on any and all of Applicant's/Operator's successors and assigns.
8. This Conditional Use Permit shall become void and ineffective if not utilized or extended within the time allotted in Section 19.14.260 of the Municipal Code.
9. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
10. If any of the foregoing conditions fails to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so

implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this conditional use permit.

11. The conditions of this permit are approximately in proportion to the nature and extent of the impact created by the use in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the use.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 9th day of October 2015.

A handwritten signature in cursive script, appearing to read "Michael Walker", is written over a horizontal line.

Michael Walker
Zoning Administrator